

City of Royal Oak, MI
Thursday, August 30, 2012

Chapter 66. ETHICS

[HISTORY: Adopted by the City Commission of the City of Royal Oak 9-14-2009 by Ord. No. 2009-11. Amendments noted where applicable.]

GENERAL REFERENCES

Appointments to advisory boards, commissions and committees — See Ch. 12.

Charitable contributions for public purposes — See Ch. 26.

Committees — See Ch. 39.

Housing Commission — See Ch. 87.

Personnel policies — See Ch. 128.

Plan Commission — See Ch. 134.

Recreation and Pubic Service Department — See Ch. 142.

§ 66-1. Title.

This chapter shall be known as and may be cited as the "City of Royal Oak Ethics Ordinance."

§ 66-2. Purpose; construal of provisions.

The purpose of this chapter is to establish standards of conduct for all elected and appointed City officials, and it shall be liberally construed so as to avoid even the appearance of impropriety by those officials.

§ 66-3. Findings.

The City Commission finds that public office is held as a public trust. An elected or appointed City official is to use his or her powers to protect, advance, and promote the public interest, and not his or her personal interest. Any attempt to realize personal gain at the expense of the public interest is a violation of that trust. Accordingly, any elected or appointed City official shall avoid any action that might result in or create the appearance of using public office for private gain, or which otherwise has an adverse effect on the public's confidence in the integrity of the City, whether or not that action is specifically prohibited by this chapter.

§ 66-4. Definitions.

As used in this chapter, the following statements shall have the following meanings:

COMMERCIAL GAIN

A public official's use of any City resource, including but not limited to the City's time, equipment, facilities, supplies, or staff, which results in or is intended to result in private gain to the official.

CONFIDENTIAL INFORMATION

Any information that has been obtained by a public official in the course of his or her actions as a public official that is not available to the public pursuant to the Freedom of Information Act, MCLA § 15.231 et seq., as amended, or pursuant to other law, regulation, policy, or procedure recognized by law, and that the official is not authorized to disclose.

DECISION

A determination, action, vote, or other disposition upon a motion, proposal, recommendation, resolution, or ordinance by the City Commission, or a board, commission, or committee appointed by the City Commission.

DOMESTIC PARTNER

One of two adults who:

- A. Have a common residence;
- B. Agree to be jointly responsible for each other's basic living expenses incurred during the domestic partnership;
- C. Are not legally married or are not a member of another domestic partnership;
- D. Are not related by blood in a way that would prevent them from being married to each other in the State of Michigan;
- E. Are at least 18 years of age;
- F. Have chosen to share one another's lives in an intimate and committed relationship of mutual caring; and
- G. Are capable of consenting to the domestic partnership.

HAVE A COMMON RESIDENCE

Both domestic partners share the same residence. Two people can have a common residence even if one or both have additional residences, or if both domestic partners do not possess legal title to the common residence. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return to it.

IMMEDIATE FAMILY

- A. A public official's spouse or domestic partner;
- B. A public official's relative by marriage, lineal descent, or adoption who receives, directly or indirectly, more than 1/2 of his or her support from the public official, or from whom the public official receives, directly or indirectly, more than 1/2 of his or her support; or
- C. An individual claimed by a public official or the public official's spouse as a dependent under the United States Internal Revenue Code.

JOINT RESPONSIBILITY

Each domestic partner agrees to provide for the other partner's basic living expenses if the partner is unable to provide for himself or herself.

OWNERSHIP INTEREST

A financial or pecuniary interest that a public official has in the affairs of:

- A. Any business entity in which the official, a member of his or her immediate family, or a relative is an officer, director, member, or employee;
- B. Any business entity in which the public official, a member of his or her immediate family, or a relative controls, or directly or indirectly owns, in excess of 5% of the total stock or an interest totaling \$50,000 or more in value; or
- C. Any person or business entity with whom the public official has a contract.

PRIVATE GAIN

Any benefit which is accepted or received by a public official, or is reasonably perceived to be accepted by a public official, as remuneration for the purpose of improperly influencing a public official's action in a specific manner or for refraining from the performance of an official action in a specific manner, or as an inducement for the public official to act in favor of some interest other than the public interest. Unless this standard is violated, the following types of benefits, monetary payments or reimbursements, gifts, or awards may be received by a public official:

- A. Payment of salary, compensation, or benefits to the official by the City, or the payment of salary, compensation, or benefits to the official by an employer or business other than the City pursuant to a contract where the payment is unrelated to the official's status with the City;
- B. Authorized reimbursement by the City to the public official for actual and necessary expenses incurred by the official;
- C. Fees, expenses, or income, including those resulting from outside employment, which are permitted to

be earned by, or reimbursed to, the public official in accordance with the City Code, policies, rules, and/or regulations;

D. Campaign or political contributions which are made and reported by a public official in accordance with Michigan law;

E. Admission or registration fees, travel expenses, entertainment, meals, or refreshments that are furnished to a public official by the sponsor of an event, appearance, or ceremony which is related to official City business in connection with such an event, appearance, or ceremony and to which one or more members of the public are invited, or that are furnished to a public official in connection with a speaking engagement, teaching, or the provision of assistance to an organization or another governmental entity as long as the City does not compensate the official for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity;

F. Admission, regardless of value, to a charitable or civic event to which a public official is invited in his or her official capacity where any admission required of all persons attending the event is waived or paid for the public official by a party other than the City or the public official;

G. An award publicly presented to the public official by an individual or a nongovernmental entity or organization in recognition of public service, acts or heroism, or crime solving;

H. An award, gift, or other token of recognition presented to the public official by representatives of a governmental body or political subdivision who are acting in their official capacities;

I. A gift received from a public official's relative or immediate family member, provided that the relative or immediate family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this chapter;

J. A registration fee for a seminar or other informational conference that a public official attends in a capacity other than as a speaker, panelist, or moderator, where such registration fee that is charged for the public official's attendance is waived or paid for the official by a party other than the City or the official;

K. Expenses or gratuities, including but not limited to admission fees, lodging, meals, or transportation, that are paid for the public official and are related to the official's participation at a seminar, conference, speaking engagement, or presentation in his or her official capacity as a speaker, panelist, or moderator where such expenses are waived or paid for by a party other than the City or the official, provided that, within five business days after the conclusion of the seminar, conference, speaking engagement, or presentation, the official files with the City Clerk a statement which contains the following information for each expense that is paid for or waived or for each gratuity that is provided:

- (1) A description of the expense or the gratuity;
- (2) The amount of the expense or the gratuity;
- (3) The date that the expense was incurred, or that the gratuity was received;
- (4) The date that the expense was paid or waived, or that the gratuity was received; and
- (5) The name and address of the party who paid or waived the expense or provided the gratuity;

L. Meals or beverages provided to a public official by an individual or a nongovernmental organization during a meeting related to official City business;

M. Anything of value, regardless of the value, presented to or received by a public official on behalf of the City where the thing of value is offered to, and accepted by, the City;

N. A gift to a public official that is either returned to the donor or is donated to the City or to a charitable organization within 30 days of the public official's receipt of the gift, provided that the public official does not claim the donation as a charitable contribution for tax purposes;

O. Complimentary single copies of trade publications, books, reports, pamphlets, calendars, periodicals, or other informational materials that are received by a public official;

P. Compensation paid to a public official for a published work which did not involve the use of the City's time, equipment, facilities, supplies, staff, or other resources where the payment is arranged or paid for by the publisher of the work;

Q. Compensation paid to a public official for a published work which did not involve the use of the City's time, equipment, facilities, supplies, staff, or other resources where the payment of the compensation to the public official is lawfully authorized by the City Commission;

R. Receipt by the public official of anything of value, where the payment, gift, or other transfer of value is unrelated to, and does not arise from, the public official's holding or having held a public position, and where the activity or occasion for which the payment, gift or other transfer of value given does not involve the use of the City's time, equipment, facilities, supplies, staff, or other resources in any manner or degree that is not available to the general public;

S. Hospitality that is extended to a public official by an individual, or by an organization, for a purpose unrelated to City business, including a gift of food, beverage, or lodging; and

T. Receipt of a devise, bequest, or inheritance by a public official.

PUBLIC OFFICIAL

The Mayor, a City Commissioner, or any member of any City agency, authority, board, commission, or committee that is established pursuant to state law, City Charter, or City Code (including alternate members).

RELATIVE

A person who is related to the public official as spouse or as any of the following, whether by marriage, blood, or adoption: parent, child, brother, sister, uncle, aunt, nephew, niece, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law.

§ 66-5. Standards of conduct.

A. Conflicts of interest.

(1) A public official shall not intentionally take or refrain from taking any action, or induce or attempt to induce any other public official to take or refrain from taking any official action on any matter before the City which would result in a financial benefit not shared with a substantial segment of the public for any of the following:

(a) The public official;

(b) A member of the public official's immediate family;

(c) A relative of the public official;

(d) The public official's employer;

(e) Any business in which the public official, a member of the official's immediate family, or a relative of the public official has a financial interest; or

(f) Any business with which the public official, a member of the public official's immediate family, or a relative of the public official is negotiating or seeking employment or any other business or professional relationship.

(2) A public official who is aware or reasonably should be aware that he or she has a conflict of interest shall disclose the conflict on the public record, abstain from voting on the matter, and refrain from making statements which may influence the vote on the matter.

B. Disclosure. Within 30 days of the effective date of this chapter, the members of the City Commission, the Planning Commission, the Zoning Board of Appeals, the Downtown Development Authority, the Historic District Commission, the Historic District Study Committee, and the Rehabilitation Board of Appeals shall complete and file a disclosure form with the City Manager identifying any interest in real property located within the City and any ownership interest that the official may have. In the future,

members of the same bodies shall file a disclosure form within 30 days of appointment and within 30 days after a property interest or ownership interest subsequently arises.

- C. Impartiality. A public official shall treat all members of the public with courtesy, impartiality, fairness, and equality.
- D. Improper use of position. A public official shall not use or attempt to use his or her position to secure, request, or grant any privilege, exemption, advantage, or preferential treatment for himself or herself, or any other person. A public official shall not act as an agent, attorney, or representative for another person or entity in any matter that is pending before the City.
- E. Incompatible employment. A public official shall not engage in or accept employment, or render services, for a public or private interest where such employment or service is incompatible or in conflict with the proper discharge or performance of the official's duties and responsibilities, or where such employment or service can be reasonably expected to impair the official's independence of judgment or action in the discharge of his or her official duties and responsibilities.
- F. Nepotism. A public official shall not cause the employment or any favorable employment action as to any member of the official's immediate family or relative, nor participate in any employment decision regarding a member of his or her immediate family or relative. This section shall not prohibit a public official from approving a budget that includes compensation for an immediate family member or relative.
- G. Personal interests. A public official shall not act in an official capacity on any matter in which he or she has a private financial interest that is clearly separate from that of the general public.
- H. Political activity. A public official shall not use any City time, equipment, facilities, supplies, or staff for his or her own political benefit, or for the political benefit of any other person seeking elective office, other than the use of property or facilities made available to the general public on an equal basis for due consideration.
- I. Public information.
 - (1) A public official shall not knowingly use confidential information for actual or anticipated personal gain, nor for the actual or anticipated personal gain of any other person.
 - (2) A public official shall not knowingly disclose to any unauthorized person confidential information that is acquired in the course of his or her position with the City, including but not limited to information provided, obtained, or discussed in closed session.
- J. Public property and personnel. Except as provided by law, a public official shall not, directly or indirectly, use, attempt to use, or permit another to use any City time, equipment, facilities, supplies, or staff for personal gain or commercial gain.

§ 66-6. Retaliation prohibited.

- A. The City shall not discipline, discharge, threaten, or otherwise discriminate against an employee in regards to the terms and conditions of his or her employment because the employee, or a person acting on behalf of the employee, has reported, is believed to have reported, intends to report, or is believed to intend to report, either verbally or in writing, a violation or suspected violation of this chapter, unless the employee knows or reasonably should know that the report is false.
- B. The City shall not discipline, discharge, threaten, or otherwise discriminate against an employee in regards to the terms and conditions of his or her employment because the employee is requested by the City to participate in an investigation or hearing regarding an alleged violation of this chapter.

§ 66-7. Validity of decisions; recovery of value.

- A. A violation of the chapter shall not be a basis to challenge the validity of a decision of the City Commission.
- B. The value of anything transferred or received in breach of the standards set forth in this chapter may be

recovered by and on behalf of the City of Royal Oak.

§ 66-8. Collective bargaining agreements.

Nothing in this chapter shall be construed to diminish or impair the rights of any employee under any provision of a collective bargaining agreement in effect on the effective date of this chapter, nor the City's obligation to comply with any collective bargaining agreement.

§ 66-9. Notification.

- A. The City Clerk shall deliver, by mail or otherwise, a copy of this chapter to newly elected and appointed public officials prior to the time that those officials take office.
- B. Any time that this chapter is amended, the City Clerk shall deliver, by mail or otherwise, a copy of the amended chapter to all current public officials prior to the effective date of the amendment.

§ 66-10. Hearing.

Upon acquiring reasonable suspicion of a violation of this chapter, the Mayor or any two members of the City Commission may call for a hearing at a regular or special meeting of the City Commission to determine whether or not a violation did in fact occur, and if so, what penalties shall be imposed for the violation.

§ 66-11. Violations and penalties.

A member of the City Commission violating this chapter is subject to censure by the unanimous vote of the remaining members of the City Commission. Any other public official violating this chapter is subject to censure by the unanimous vote of the City Commission. The penalties imposed under this chapter are not exclusive remedies, and any and all penalties or forfeitures provided for by law may also be enforced.